

## A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASES OF CATHERINE DANIEL, ET AL. V. COA, CAFN 2006CV119209; BETTY JOHNSON, ET AL. V. COA, CAFN 2006CV122713; ALEX HUNTE, ET AL. V. COA, CAFN 2006CV122715; MATTIE SANDS, ET AL. V. COA, CAFN 2006CV122716; AND SANDRA WALKER V. COA, CAFN 2006CV122714, FULTON SUPERIOR COURT, IN THE AMOUNT OF \$4,500,000.00; AUTHORIZING SAID PAYMENT TO BE PAID IN TWO INSTALLMENTS AS FOLLOWS: \$2,500,000.00 WITHIN THIRTY (30) DAYS OF APPROVAL OF THIS RESOLUTION AS FOLLOWS: \$1,875,000.00 FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 080101 (DWM WASTEWATER TREATMENT & COLLECTIONS), 5212001 (PROPERTY/LIQUIDATION), \$625,000.00 FROM FUND 1001 (GENERAL FUND), 200101 (NON-DEPARTMENTAL) 521205 (LITIGATION EXPENSES); \$2,000,000.00 TO BE PAID WITHIN FORTY-FIVE (45) DAYS OF JULY 1, 2009 AS FOLLOWS: \$1,500,000.00 FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 080101 (DWM WASTEWATER TREATMENT & COLLECTIONS), 5212001 (PROPERTY/LIQUIDATION), \$500,000.00 FROM FUND 1001 (GENERAL FUND), 200101 (NON-DEPARTMENTAL) 521205 (LITIGATION EXPENSES), AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Catherine Daniel, et al. vs. City of Atlanta* is a case in which the Plaintiffs, Catherine Daniel, Geneva Durrah, Ronald Durrah, Chantel Evans, Stacey Houston, Hortense Linsey and Edwin Varner, are suing for damages allegedly from the City's storm water and/or sanitary sewer drainage systems; and

**WHEREAS, *Betty Johnson, et al. vs. City of Atlanta*** is a case in which the Plaintiffs, Betty Johnson, Arthur Fairley and William Cannon, are suing for damages allegedly from the City's storm water and/or sanitary sewer drainage systems; and

**WHEREAS, *Alex Hunte, et al. vs. City of Atlanta*** is a case in which the Plaintiffs, Alex Hunte, Jacqueline Byrd, John Collier, Erika Cook-Aaron, Laura Cousins-Baker, Eryca Fambro, Kenneth Fambro, Sylvester Fambro, Wyomia Fambro, Annette Wright, and Annie Wright, are suing for damages allegedly from the City's storm water and/or sanitary sewer drainage systems; and

**WHEREAS, *Mattie Sands, et al. vs. City of Atlanta*** is a case in which the Plaintiffs, Mattie Sands, Demetria Adams, Steve Adams, Bertha Daniels, Media Daniels, Patricia Gay, John Harris, Gloris Mason, Verdelle Moore, Annie Parker, Ola Parker, Barbie Pearson, Bertha Pearson, Nyoka Pearson, Alma Ponder, Robert Ponder, Joanne Snead, Willie Snead, Eugene Sturgis, Thayer Sturgis, and Linda Weaver are suing for damages allegedly from the City's storm water and/or sanitary sewer drainage systems; and

**WHEREAS, *Sandra Walker vs. City of Atlanta*** is a case in which the Plaintiff, Sandra Walker, is suing for damages allegedly from the City's storm water and/or sanitary sewer drainage systems; and

**WHEREAS,** Plaintiffs allege that the City of Atlanta failed to adequately maintain its drainage systems, thereby causing their properties to flood from storm water runoff and/or sanitary sewer backups; and

**WHEREAS,** Plaintiffs allege that their homes and personal property sustained damages due to continuous flooding on their properties; and

**WHEREAS,** Plaintiffs have agreed to accept \$4,500,000.00, in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

**WHEREAS,** the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

**WHEREAS,** the City Attorney considers it to be in the best interest of the City to pay the amount of \$4,500,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

**SECTION 1.** The City Attorney is hereby authorized to settle and execute all documents in the cases of *Catherine Daniel, et al. vs. City of Atlanta*; *Betty Johnson, et al. vs. City of Atlanta*; *Alex Hunte, et al. vs. City of Atlanta*; *Mattie Sands, et al. vs. City of Atlanta*; and *Sandra Walker vs. City of Atlanta* in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000.00).

**SECTION 2.** Said payment is to be charged, paid and issued as follows:

**Within Thirty (30) Days of Approval:** \$2,500,000.00 [\$1,875,000.00 from Fund 5051 (Water & Wastewater Revenue Fund), 080101 (DWM Wastewater Treatment and Collections), 5212001 (Property/Liquidation), \$625,000.00 from Fund 1001 (General Fund), 200101 (Non-Departmental) 521205 (Litigation Expenses)]; and

**Within Forty-Five (45) Days of July 1, 2009:** \$2,000,000.00 [\$1,500,000.00 from Fund 5051 (Water and Wastewater Revenue Fund), 080101 (DWM Wastewater Treatment and Collections), 5212001 (Property/Liquidation), \$500,000.00 from Fund 1001 (General Fund), 200101 (Non-Departmental) 521205 (Litigation Expenses)].

Payments shall be in the form checks in the amounts described above and payable to *JONES, MARTIN, PARRIS & TESSENER, as attorneys for Catherine Daniel, et al.*, 3353 Peachtree Road, Atlanta Financial Center, Suite 510, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.